

(311)

L. W. H.

they cannot as bound by this act appear at Mustres and
traynings without danger of being fined nor be able to
defend themselves in their own houses from the sudden
Surprisall of their enemies

(11)

And Be it further Enacted and ordeined by and with
the advice and Consent aforesaid that if upon any foreign
invasion domestick Insurrection or Indian Incurision
whatssoever any person or persons whatsoever (except before
excepted) that shall be prest or be an enlisted Soldier with
in this province shall upon Command of his officer being
a Captain at the least obstinately refuse to appear and
serve in armes for the necessary defence of this Province
such person or persons soe obstinately refusing to appear
and serve in armes as aforesaid or that upon such Command
shall not appear and serve in armes as aforesaid shall
upon Certificate thereof under such Officers hands as afore
said to the next Justice of the Peace of the County where
such party liveth be proceeded against in manner fol
lowing That is to say the same Justice of the peace to
whom such Certificate as aforesaid shall be made shall
immediately issue forth a warrant to the Constable of the
hundred where such party liveth to apprehend him &
bring him before himself or some other of his Lordship
Justice of the peace of the same County there to render
a sufficient Excuse if any he have for such his Refuse
all or non appearance as aforesaid and if such Justice of
the peace shall not find the Excuse of such party in
such case to be Reasonable and sufficient then he shall
immediately committ such party to the Custody of
the Sheriff of such County there to remain untill he
shall find Surety to appear at the next Provinciaall
Court to be held for this province there to be proceeded
against according to due course of Law and if there
upon he shall be Legally convicted by a Jury of such his
obstinate refuse all or disobediance as aforesaid he
shall be fined and imprisoned according to the discre
tion of the Justices of the Provinciaall Court

(12)

140

And for the prevention of the great charge of Annuall
Assemblies who may meet for no other occasion but
only to lay the publick Levy in time of peace Be it
Enacted by the authority aforesaid that the Lewton
Generall and Councell from time to time during the
Intowall